

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through its Co-Directors Natasha Soto and Shaketa Redden and on behalf of its members; DORETHEA FRANKLIN; TANIQUA SIMMONS; DE'JON HALL; JOSEPH BONDS; CHARLES PALMER; SHIRLEY SARMIENTO; EBONY YELDON; and JANE DOE, individually and on behalf of a class of all others similarly situated;

Plaintiffs,

v.

Civil No.: 1:18-cv-00719-CCR

CITY OF BUFFALO, NY; BYRON B. BROWN, Mayor of the City of Buffalo, in his individual and official capacities; BYRON C. LOCKWOOD, Commissioner of the Buffalo Police Department, in his individual and official capacities; DANIEL DERENDA, former Commissioner of the Buffalo Police Department, in his individual capacity; AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI, ROBBIN THOMAS, UNKNOWN SUPERVISORY PERSONNEL 1-10, UNKNOWN OFFICERS 1-20, each officers of the Buffalo Police Department, in their individual capacities.

Defendants.

DECLARATION OF CHEYENNE N. FREELY

CHEYENNE N. FREELY, ESQ., declares under penalty of perjury and in accordance with 28 U.S.C. § 1746 as follows:

1. I am an attorney at law, duly licensed to practice in New York, and admitted to practice before the Court for the Western District of New York. I am associated with Hodgson Russ LLP, the attorneys for Defendants in this action.

2. I submit this declaration in response to Plaintiffs' supplemental filing in further support of their motion for class certification ("Plaintiffs' Supplement").

3. I am familiar with this action and the attached exhibits because I am an attorney of record, have reviewed the case file, and have been involved in this matter for over a year.

4. The purpose of this Declaration is to place before the Court evidentiary materials necessary for the Court to consider Defendants' response to Plaintiffs' Supplement. The materials are explained more fully in the accompanying brief, which also contains a full articulation of Defendants' legal position.

5. Attached as **Exhibit 1** are excerpts from the Buffalo Police Department's Manual of Procedures.¹

6. Based on the evidence submitted herewith and based on the legal argument contained in the accompanying brief, Defendants respectfully request that the Court deny Plaintiffs' motion for class certification.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Buffalo, New York
December 6, 2024

/s/ Cheyenne Freely
Cheyenne Freely, Esq.

¹ The Buffalo Police Department's Manual of Procedures is publicly available at <https://public.powerdms.com/BufaloCity/tree/documents/1877656>.